

Message Text

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PAGE 01 STUTTG 00484 221635Z

ACTION EUR-12

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FM AMCONSUL STUTTGART

TO SECSTATE WASHDC 3459

INFO AMEMBASSY BONN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL HAMBURG

AMCONSUL FRANKFURT

AMCONSUL MUNICH

USMISSION USBERLIN

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E. O. 11652: N/A

TAGS: PINS GW

SUBJ: BAADER-MEINHOF TRIAL JEOPARDIZED BY STAMMHEIM BUGGING

INCIDENTS

REFS: STUTTGART 466, STUTTGART A-10

1. SUMMARY. LOCAL MEDIA ON MARCH 22 SPECULATE THAT ENTIRE BAADER-MEINHOF TRIAL MIGHT BE ENDANGERED BY BUGGING INCIDENTS AT STAMMHEIM, IN THAT DEFENDANTS ARE FASTING AGAIN, SELECTED DEFENSE ATTORNEYS HAVE ABSENTED SELVES FROM TRIAL, AND ASSIGNED DEFENSE ATTORNEYS ALSO WISH TO WITHDRAW. BADEN-WUERTTEMBERG PROSECUTOR GENERAL ADMITS DELICACY OF SITUATION BUT PREDICTS TRIAL WILL CONTINUE. END SUMMARY.

2. LOCAL MEDIA ON MARCH 22 POINT TO SERIOUS POSSIBILITY

BAADER-MEINHOF TRIAL WILL COLLAPSE DUE TO TACTICS OF DEFEN-

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PAGE 02 STUTTG 00484 221635Z

DANTS AND THEIR CHOSEN ATTORNEYS AND THE RESENTMENT OF ASSIGNED ATTORNEYS OVER WHAT THEY CONSIDER VIOLATION OF CODE REGARDING PRIVACY OF RELATIONSHIP BETWEEN DEFENDANT AND HIS ATTORNEY. MEDIA INDICATE ASSIGNED ATTORNEYS HAVE SUBMITTED PETITION TO COURT FOR WITHDRAWAL FROM TRIAL. IF PETITION ACCEPTED, AND NO REPLACEMENTS CAN BE FOUND (A STRONG LIKELIHOOD), THE TRIAL WOULD COLLAPSE, PRESS POINTS OUT.

3. AT ROTARY LUNCHEON ON MARCH 22, PROSECUTOR GENERAL WEINMANN BRIEFLY EXPLAINED CURRENT SITUATION. HE CONFIRMED BAADER, INSSLIN AND RASPE ARE AGAIN FASTING AND THAT THEIR PERSONALLY SELECTED ATTORNEYS HAVE ABSENTED THEMSELVES FROM TRIAL. HE CONCEDED THAT BUGGING OF PRISONERS AND THEIR LAWYERS AFTER STOCKHOLM EMBASSY SEIZURE AND ARREST OF ATTORNEY HAAG LAST YEAR WAS NOT IN ACCORD WITH PERTINENT SECTIONS FEDERAL CODE (PARA 148) BUT WERE JUSTIFIED BY CLEAR AND PRESENT DANGER TO LIVES OF INNOCENT CITIZENS (PARA 34) -- THUS SUPPORTING CONTENTIONS OF BADEN-WUERTTEMBERG MINISTERS BENDER AND SCHIESS REPORTED REFTEL.

4. WEINMANN POINTED OUT, HOWEVER, THAT ASSIGNED DEFENSE ATTORNEYS, WHIL PERTURBED, HAVE NOT YET FILED A PETITION TO COURT FOR WITHDRAWAL FROM THE TRIAL -- CONTRARY TO PRESS REPORTS. RATHER THEY HAVE REQUESTED CLEARER ACCOUNT AND MORE DETAILS ABOUT "BUGGING" AT STAMMHEIM. HE INDICATED PRIVATELY TO ME AND CLUB CHAIRMAN SIGLE (ONE OF STUTTGART'S MOST PROMINENT LAWYERS) THAT ASSIGNED ATTORNEYS WILL PROBABLY FILE PETITION FOR WITHDRAWAL AS A PROTEST FOR THE RECORD BUT ACCEPT COURT'S RULING THAT THEY MUST CONTINUE. HE THEN POINTED OUT SMALL PRINT IN THE LAW WHICH INDICATES IF CASE NOT CONCLUDED THROUGH SOME ACTION OF PARTICIPANTS, COURT COSTS OF TRIAL WOULD BE PRORATED AMONG THEM -- WHICH WOULD BE FAIRLY EXPENSIVE FOR THE ASSIGNED ATTORNEYS, SINCE COURT COSTS SO FAR HAVE BEEN SEVERAL MILLION D-MARKS. THUS, WEINMANN CONCLUDES CASE WILL CONTINUE. INTERESTING SIDELIGHT OF TABLE DISCUSSION WAS DIFFERING ASSESSMENTS SIGLE AND WEINMANN

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PAGE 03 STUTTG 00484 221635Z

REGARDING RELATIVE SIGNIFICANCE OF BUGGING AS AFFECTING ATTORNEY-DEFENDANT RELATIONSHIP AND JUSTIFICATION ON GROUNDS OF IMMINENT DANGER TO THE PUBLIC, WHICH DANGER SIGLE CONTENDS IS A CONSTANT ASPECT OF TERRORISTS' IMPRISONMENT AND TRIAL AND NOT JUST FOR BRIEF PERIODS AFTER SPECIFIC INCIDENTS.

5. COMMENT. THERE IS NO DOUBT THAT WEINMANN'S ASSESSMENT CLEARLY REFLECTS BADEN-WUERTTEMBERG GOVERNMENT'S POSITION AND HOPES. HE HASEXPRESSED THESE CAPABLY AND HONESTLY IN THE PAST (STUTTGART A-10) BUT THEN SOMETHING NEW ALWAYS SEEMS TO TURN UP TO PLAY IN THE THE HANDS OF CLEVER DEFENSE TACTICIANS. THE MARATHON TRIAL MAY GRIND ON, BUT TIME AND EVERY CONCIVABLE UNTOWARD EVENT APPEAR TO PLAY IN THE HANDS OF THE DEFENSE TEAM.

JENKINS

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